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| EXAMINER |
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YIMAM, HARUN M

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| ART UNIT | PAPER NUMBER |
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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/819,278             | GUTTA ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Harun M. Yimam         | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08/11/06 with respect to claims 1-22 have been fully considered but they are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 3, 5, 6, 8, 10, 11, 13, 14, 16, 18 and 20 are rejected under U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) in view of Matthews (US 5,815,145).

Considering claims 1, 10 and 18, Hong discloses a television program selection system (figure 4), comprising:

a grid having a plurality of windows (see figure 4) of television programs slotted for a particular time (see time 12:00, 13:00 and 14:00 at second row of figure 4) and

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channel (CH02, CH03 etc.), said grid containing key frame images (still images) of said television programs in respective windows of said plurality of windows; and

means (remote control) to select one window of said plurality of windows to reveal a sequential showing of respective key frame images of one program associated with the one window (page 9, line 26 – page 10, line 9 and page 7, line 22 – page 8, lines 5). The examiner directs the applicant's attention to page 8, lines 1-5—The image data of the program includes video data for a sequence of predetermined number of pictures (reads on the sequence of key frame images) capable of providing representative motion pictures or images of the program (which clearly represents a continuum of one program as it progresses).

Hong fails to disclose that the remaining windows of said plurality of windows continue to display previously displayed image of said key frame images while said selected window reveals a sequential showing of respective key frame images of one program associated with the one window.

In analogous art, Matthews discloses a sequential showing of respective key frame images of one program associated with the one window while the remaining windows of said plurality of windows continue to display previously displayed image of said key frame images (column 5, lines 23-46).

It would have been obvious to one of ordinary skill in the art to modify Hong's system to include displaying a video of one program within a given window of a program

guide without changing the display of the other windows, as taught by Matthews, for the benefit of viewing a certain programming for a selected channel within a video programming guide (column 4, line 44 – column 5, line 46).

As for claim 2, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. A sequence of predetermined number of pictures capable of providing representative motion pictures or images of the program disclosed by Hong—page 8, lines 5, reads on the sequential showing of key frame images following the story line of the program.

With regards to claim 3, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images are highlighted on page 9, lines 20 – 22.

Regarding claim 5 is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images comprise textual message in figure 4, rows 3 – 5.

Considering claim 6, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the highlighted key frame image is most indicative of the

theme (i.e. subject or topic) as illustrated in figure 4 and page 9, lines 20-22. For example, "Headline news" is indicative of news on channel 3 at 12:00pm.

As to claim 8, it is met by the combination of Hong and Matthews. In particular, Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4.

Regarding claim 11, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. Hong also discloses that key frame images are highlighted on page 9, lines 20 – 22. Story line and progress of a program are synonymous.

As for claim 13, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images comprise textual message in figure 4, rows 3 – 5.

With regards to claim 14, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the highlighted key frame image is most indicative of the theme (i.e. subject or topic) as illustrated in figure 4 and page 9, lines 20-22. For example, "Headline news" is indicative of news on channel 3 at 12:00pm.

Regarding claim 16, it is met by the combination of Hong and Matthews. In particular, Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4.

With regards to claim 20, it is met by the combination of Hong and Matthews. In particular, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. Story line and progress of a program are synonymous.

4. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) in view of Matthews (US 5,815,145), as applied to claim 1 above, and further in view of White (6,804,825).

As for claim 7, Hong and Matthews disclose that the key frame is highlighted on page 9, lines 20-22. Hong and Matthews fail to disclose highlighting comprising a single color.

In an analogous art, White discloses a user interface system for selecting items of interest on a television screen. White discloses that highlighting any feature of interest by using a color (i.e. a single color) is well known in the art. See column 4, lines 30 - 39.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include highlighting by a single color, as taught by White, because this is the simplest way of representing a selected item of interest by the user.

As for claim 15, Hong and Matthews disclose that the key frame is highlighted on page 9, lines 20-22. Hong and Matthews fail to disclose highlighting comprising a single color.

In an analogous art, White discloses a user interface system for selecting items of interest on a television screen. White discloses that highlighting any feature of interest by using a color (i.e. a single color) is well known in the art. See column 4, lines 30 - 39.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include highlighting by a single color, as taught by White, because this is the simplest way of representing a selected item of interest by the user.

5. Claims 4, 9, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) in view of Matthews (US 5,815,145), as applied to claim 1 above, and further in view of Yuen (US 2004/0230992).



Considering claims 4 and 9, Hong and Matthews disclose a program selection system comprising key frame images as described above. However, Hong and Matthews fail to specifically disclose that the key frame images comprise at least one sound byte.

In an analogous art, Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte. See paragraph 15, lines 15 – 23.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include the key frame images comprising at least one sound byte, as taught by Yuen, for the benefit of providing audio to a corresponding key frame image so the user can listen to the selected program clip.

Considering claims 12, 17, and 19, Hong and Matthews disclose a program selection system comprising key frame images as described above. However, Hong and Matthews fail to specifically disclose that the key frame images comprise at least one sound byte.

In an analogous art, Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte. See paragraph 15, lines 15 – 23.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include the key frame images comprising at least one sound byte, as taught by Yuen, for the benefit of providing audio to a corresponding key frame image so the user can listen to the selected program clip.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) in view of Matthews (US 5,815,145), as applied to claim 1 above, and further in view of Yeo (US 6,870,573).

Considering claim 21, Hong and Matthews disclose a program selection system comprising key frame images as described above. However, Hong and Matthews fail to disclose flashing images of said respective key frame images.

In an analogous art, Yeo discloses flashing images of said respective key frame images (see figure 9 and column 9, line 65 – column 10, line 17).

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include flashing images of said respective key frame images, as taught by Yeo, for the benefit of providing a dynamic set of channel summaries (column 9, line 65-67).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) in view of Matthews (US 5,815,145), as applied to claim 1 above, and further in view of Darbee (US 6,130,726).

Considering claim 22, Hong and Matthews disclose a program selection system comprising key frame images as described above. However, Hong and Matthews fail to disclose displaying the television program guide on a remote control.

In an analogous art, Darbee discloses displaying the television program guide on a remote control (column 2, lines 45-50).

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Matthews to include displaying the television program guide on a remote control, as taught by Darbee, for the benefit of providing a closer/alternative display of a television program guide.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER